

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN WELLS : **CIVIL ACTION**
:
v. : **NO. 05-5542**
:
JAMES WYNDER, et al. :

ORDER

AND NOW, this 6th day of June, 2006, upon careful and independent consideration of the pleadings and the record herein, and after review of the Report and Recommendation of United States Magistrate Judge Peter B. Scuderi, and having received no objections thereto, it is

ORDERED that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**.
3. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

S/ BRUCE W. KAUFFMAN

BRUCE W. KAUFFMAN, J.